

1 THOMAS P. O'BRIEN
United States Attorney
2 CHRISTINE C. EWELL
Assistant United States Attorney
3 Chief, Criminal Division
REEMA M. EL-AMAMY (Cal. SBN 237743)
4 Assistant United States Attorney
Violent and Organized Crime Section
5 1500 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-0552
7 Facsimile: (213) 894-3713
E-mail: reema.el-amamy@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)	CR No. 08-00208-PSG
)	
13 Plaintiff,)	<u>GOVERNMENT'S POSITION RE:</u>
)	<u>SENTENCING OF DEFENDANT ERIC ANDRE</u>
14 v.)	<u>THOMAS</u>
)	
15 ERIC ANDRE THOMAS,)	Sentencing Date: May 19, 2009
)	Sentencing Time: 10:00 am
16 Defendant.)	
)	

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18 Plaintiff, by and through its attorney of record, the United
19 States Attorney for the Central District of California, hereby
20 files its position regarding sentencing of defendant Eric Andre
21 Thomas.

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1 The government's position is based upon the attached
2 Position, the files and records in this case, and upon such
3 further evidence and argument as may be presented at the
4 sentencing hearing.

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6 DATED: May 6, 2009

Respectfully submitted,

7 THOMAS P. O'BRIEN
8 Acting United States Attorney

9 CHRISTINE C. EWELL
10 Assistant United States Attorney
Chief, Criminal Division

11 By_____/s/_____
12 REEMA M. EL-AMAMY
Assistant United States Attorney

13 Attorneys for Plaintiff
14 United States of America
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GOVERNMENT'S POSITION RE: SENTENCING

On March 6, 2009, defendant Eric Andre Thomas ("defendant"), pled guilty to Count two of the First Superseding Indictment. Count two charges 21 U.S.C. § 856: Maintaining a Drug Involved Premise. As part of the plea agreement that the government agreed to dismiss the remaining counts of the First Superseding Indictment.

The government has received the Presentence Report ("PSR"), and has no objections to its contents. The PSR calculates the following Sentencing Guideline Range:

Base Offense Level:	8
Specific Offense Characteristics:	0
Adjusted Offense Level:	8
Acceptance of Responsibility:	-2
Criminal History Category:	V
Guideline Range:	9-15 months
Supervised Release:	2-3 years
Fine:	\$2,000 - \$500,000
Special Assessment:	\$100

The government recommends that Defendant be sentenced at the high end of the guideline range, to include 15 months of imprisonment, and three years of supervised release. This sentence takes into consideration the 18 U.S.C. § 3553(a) factors, and is not greater than necessary to achieve those goals. It reflects the very serious nature of the offense, promotes respect for the law, provides just punishment for a serious offense, and affords adequate deterrence to defendant's

1 conduct in a manner that a lower sentence would not. The
2 government does not recommend the imposition of a fine.